

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION JOINT APPROPRIATIONS SUBCOMMITTEE ON CORRECTIONS AND PUBLIC SAFETY

Call to Order: By **CHAIRMAN STANLEY FISHER**, on January 19, 2001
at 8:00 A.M., in Room 317-A Capitol.

ROLL CALL

Members Present:

Rep. Stanley Fisher, Chairman (R)
Rep. Tim Callahan (D)
Sen. Chris Christiaens (D)
Rep. Jeff Pattison (R)
Sen. Debbie Shea (D)
Sen. Tom Zook (R)

Members Excused: Sen. Arnie Mohl, Vice Chairman (R)

Members Absent: None.

Staff Present: Mary LaFond, OBPP
Lorene Thorson, Legislative Branch
Sandra Whitaker, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: Dept. of Justice Criminal
Investigation, Motor Vehicle
Division, and Extradition
& Transportation of Prisoners
with Public Testimony
1/16/2001

Executive Action: None

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HEARING ON DEPARTMENT OF JUSTICE

DIVISION OF CRIMINAL INVESTIGATION

Mr. Mike Batista, Administrator, Division of Criminal Investigation, gave an overview of the Criminal Investigation Division with a slide show.

EXHIBIT(jch15a01)

Mr. Batista presented information on the three Bureaus in the Division: Investigations Bureau, Narcotics Bureau, and the Fire Prevention & Investigation Bureau. It is approximately 60 people who have primarily investigative responsibilities assisting sheriffs, police departments, county attorneys and fire departments.

Mr. Batista stated the Investigations Bureau acts as a detective bureau and an internal affairs division. He gave examples of cases worked. They include everything from homicide to theft of money from evidence rooms in local police departments. The Bureau is heavily involved with officer shootings to determine whether they are justified or not. He is most proud of the work done in white collar crime such as theft of government money, welfare fraud, abuse of workers compensation benefits, and patient abuse and neglect. This Bureau is also responsible for the registration of sex and violent offenders. They have established a website (<http://svor.doj.state.mt.us>) with e-mail capabilities and gave examples of how to use it. It has very detailed information on sex offenders including a picture of the offender.

SEN. CHRISTIAENS asked about sex offenders who do not register. **Mr. Batista** responded they are then non-compliant which is a new offense and they can be returned to prison.

Mr. Batista stated the Bureau supplies intelligence information support to local county agencies when fugitives cross county lines. The Bureau also works with the Disaster Emergency Services to ensure the state is prepared for any terrorism act.

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Mr. Batista continued with the Narcotics Bureau. They work in all 56 counties. The current emphasis is on methamphetamine labs which are increasing rapidly in the state. Methamphetamine is becoming the drug of choice due to the fact that it is easy to make and cheap; it is also highly addictive. He stated they have well-trained officers for undercover tactics and gave examples of cases worked this last year. Recently they have been able to work with the Bureau of Indian Affairs to allow work on the reservations which is very difficult with jurisdictional rights.

The number of methamphetamine labs seized this year indicates the numbers will nearly triple in FY 2001. He displayed a map of the locations in the state. The Flathead Valley/Missoula area is has the largest concentration. He addressed the cost of cleanup, which is expensive due to the type of chemicals and hazardous materials involved. Usually the cleanup is contracted out in order to meet OSHA requirements.

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Mr. Batista spoke about the Fire Prevention and Investigation Bureau. Roughly 90% of all fire departments in Montana are volunteer. This Bureau provides assistance mainly to the volunteer fire departments in the forms of fire inspections and education. There are 9 Fire Marshals who travel the state. Arson canines have been used and are very valuable. He gave several examples of cases worked.

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Mr. Batista then spoke about the budget issues. The biggest concern is that Governor Martz has proposed the vehicle replacement program be eliminated.

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He stated they do need to keep replacing their vehicles so the mileage does not get too high. They have one new proposal for a Computer Crime Unit.

EXHIBIT (jch15a02)

At the current time, computer crime is testing their resources and is on the increase. Computer crime includes such items as hacking, drug crimes, robbery, financial crimes, counterfeiting, telecommunications crime, exploitation of children and even homicide. In Montana currently there is little or no expertise in computer crime. **Mr. Batista** stated a unit is desperately needed and gave several examples of computer criminal activities. **SEN. CHRISTIAENS** asked about the problem on a national level and asked if there are any federal monies available to help start a computer crime unit. **Mr. Batista** stated he has been looking but not seen any yet. This new proposal can be found in the overview section of the Attorney General's budget. **Ms. Lorene Thorson, LFD Representative**, explained an elected official has the opportunity to bring forth new proposals when he takes office. The other new proposals are for spending authority only.

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PUBLIC TESTIMONY

Mr. Daniel Bell, Deputy Chief, Billings Police Department, urged support of the Computer Crime Unit. He stated they rely on the federal agencies for their expertise and feels Montana should become proactive in computer crime.

Mr. Brad Doney, Assistant Chief of Police, Lewistown Police Department, is on the executive board of the Montana Police Protection Association. He stated the smaller departments have even more difficulty in solving crimes needing the type of expertise required for computer crime. He urged support for the special unit.

Mr. Wade Cooperider, Deputy Sheriff, Lewis & Clark County, and a board member of the Montana Sheriff's and Peace Officers Association echoed the previous testimonies. The current growth in computer crime and expected growth is overwhelming. He feels a Computer Crime Unit would an invaluable source.

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SEN. CHRISTIAENS asked how the unit would operate. **Mr. Batista** stated staff would become trained, go to other parts of the state to train others, and maintain current knowledge expertise as the technology advances. **SEN. CHRISTIAENS** also expressed concern on training individuals to have them leave for better paying jobs. **Mr. Batista** responded their proposal is to be regular criminal investigators with an aptitude for computer work and not to be exempt state positions. **SEN. PATTISON** asked how the growth would be handled in terms of required FTE's. **Mr. Batista** stated they have projected needs for 5 years and feel it would be sufficient as other resources grow. They have made projections based on caseloads in surrounding states. There was further discussion regarding vacancies. The Department of Justice (DOJ) distributed a list of vacant positions.

EXHIBIT (jch15a03)

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MOTOR VEHICLE DIVISION

Mr. Dean Roberts, Administrator, Motor Vehicle Division, gave an overview of the division. He distributed information for the committee.

EXHIBIT(jch15a04)

Mr. Roberts stated the mission of the Motor Vehicle Division (MVD) and listed the services and products provided by the Division. The Division is divided into three Bureaus-Field Operations Bureau, Records and Driver Control Bureau, and the Title and Registration Bureau.

The Field Operations Bureau licenses drivers for basic, commercial, and motorcycle driving privileges. The Bureau operates 54 driver licensing offices in 51 counties, administers written and oral driver licensing tests, conducts basic operator skills tests, transfers out-of-state licenses, issues duplicates, and conducts special driver licensing investigations.

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Mr. Roberts gave an example of a special driver licensing investigation and test. They do a great deal of special testing with the elderly.

EXHIBIT(jch15a05)

The Bureau also issues ID cards, registers citizens to vote, licenses students in the high school programs, updates driver records for changes in names and addresses and provides driver history. All these functions involve large numbers.

The Records and Driver Control Bureau is the official keeper of the drivers' records. The Bureau cancels driver licenses, issues probationary driver licenses, records traffic convictions, furnishes records to such agencies as the criminal justice agencies, reinstates licences, collects fees, and images and indexes driver history files.

The Title and Registration Bureau is located in Deer Lodge and is responsible for the vehicle title and registration records. The Bureau maintains more than 2 million vehicle records, registers all vehicles including off-highway vehicles, generates titles, files liens, regulates dealers and manufacturers, provides information as requested on ownerships, sends mail renewal cards, maintains disabled parking permits, supplies license plates and decals to the county treasurers offices, and generates numerous reports for the Legislative Fiscal Analysts and Department of Revenue.

Within the Title and Registration Bureau is the Training and Information Unit. **Mr. Roberts** stated this unit functions as an

integral element of the Division providing a link between the State and the 56 county treasurers. The unit develops and presents statewide training in motor vehicle titling and registrations for all counties. This unit provides consistency for the registration system. The training unit is funded by a \$1 fee collected from each motor vehicle registration.

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Mr. Roberts went over the revenue collection of the MVD. He stated the Division deposits into the State of Montana General Fund approximately \$18.1 million annually in fees, not the taxes paid on vehicles. The fees are determined by the Legislature. The implementation of the 8-year driver license has resulted in a reduction in FTE of 9%. Through technology and computer systems, the efficiency of the MVD has increased to allow a 30% reduction in FTE in the last 10 years, even though the workload has increased.

Mr. Roberts talked about the highlights of the Division. The new driver's license has enhanced features and is more secure. The receipt is new and approved also for use while the license is being issued. The cost of the license itself is \$2.50 and will increase to \$3.15 in the new biennium. The social security number will no longer be on the license unless requested. The driver's license is becoming a highly used and secure piece of identification; therefore, more protection is taken against possible identify fraud.

EXHIBIT(jch15a06)

There was some discussion on the driver's licenses being used as ID for released Department of Corrections prisoners, the security of the ID's, and the problems in establishing identification for issuing them.

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SEN. CHRISTIAENS feels the Department of Corrections falls short in helping the prisoners establish identification upon release. It is essential they have this MVD ID to enable them to be successful in obtaining work.

Mr. Roberts stated the Division is currently working cooperatively with the Department of Justice Information Division to avoid duplication of entry information upon issuing driving citations. He also spoke briefly about transferring lien registration to the banking institutions.

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Mr. Roberts then presented the budget requests per exhibit 4. They deal with Polaroid for the picture on the licenses and have for 35 years and with 3M on the decals for the license plates. Although the number of FTE has decreased, at certain times of the year overtime is required.

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Mr. Roberts stated new license plates will need to be issued in 2004 which is required by the Legislature. He spoke about the cost of new plates, the process involved in issuing them, the benefit of issuing new plates, and the method used in designing new plates. Discussion followed regarding these various issues. **SEN. CHRISTIAENS** suggested cost cuts might be considered in replacing license plates less often than every four years. **Mr. Roberts** addressed the new proposal for moving from microfilming documents to imaging per exhibit 4. It will be a cost saving factor in manpower when in place.

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Mr. Roberts stated the building of a new motor vehicle computer system will be a request as an amendment to HB 15 for bonds. The Division has asked for \$20 million in the bonding bill to build a new motor vehicle computer system. The committee discussed the request further. **Mr. Larry Fasbender, Deputy Director, Department of Justice**, stated a meeting will be held soon regarding all bonding requests in Long Range Planning.

In closing, **Mr. Roberts** stated he feels the Department of Motor Vehicles is a good steward of the State's resources and the Department is committed to continue with efficient services to the citizens of Montana.

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EXTRADITION AND TRANSPORTATION OF PRISONERS

Mr. Larry Fasbender, Deputy Director, Department of Justice, explained the extradition and transportation program.

EXHIBIT(jch15a07) and **EXHIBIT(jch15a08)**

State law requires the Department of Justice to reimburse mileage and expenses to sheriffs for the delivery of prisoners and mentally ill persons to the Montana detention centers and state

mental health facilities. During the time Governor Racicot was Attorney General, he kept the expenditures in line; however, the program exceeded its FY 2000 budget by over \$22,000. One method of controlling the costs was to implement a shuttle system within the state in moving prisoners from county to county. This is coordinated by an Extradition Secretary housed in the Governor's Office. **Mr. Fasbender** continued that because the coordination is done in the Governor's Office in consultation with the Governor, but the Department of Justice is responsible for paying the bills, it has been decided the program should be transferred to the Governor's Office. Legislation is being introduced to accomplish that and result in control being in one office. If it is approved, the extradition expenses will be removed from the Department of Justice budget and added to the Governor's Office budget.

There was discussion about the state paying for what might be considered county expenses. **Mr. Fasbender** explained the county prosecutes on behalf of the State of Montana similar to the County Attorney payroll situation. They also discussed the situation of the state paying for prisoners held in county jails. There is a large variance in fees among the counties.

{Tape : 3; Side : A; Approx. Time Counter : 185}

Ms. Thorson addressed the language requested by the LFD for general fund ending balances. This would set a precedent for reverted funds.

Ms. LaFond, OBPP Representative, spoke about the extradition costs being trimmed down during the Racicot years. It became evident a coordinator was necessary to move prisoners throughout the state to trim the costs. As an incentive to coordinate moving prisoners, it was decided larger vans could be purchased with any savings over the next two-year period of time. They are requesting language be added for this.

Ms. LaFond also addressed the MVD imaging request. She stated the Governor's office supports the new technology request for contract services in the implementation. Contracting the conversion of the system will speed up the process considerably and allow the new system to be in place and operating in 6 months rather than 5 years.

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PUBLIC TESTIMONY

Mr. Jim Smith, on behalf of the Montana Sheriff and Peace Officers Association, spoke in favor of the language recommendation. The prisoner transportation shuttle is a great example of cooperative ventures between agencies. He feels the program has saved the state a great deal of money. The language recommendation is very important as the transportation load continues to grow.

Ms. Allison Shackleford, MPTS Coordinator, spoke about the prisoner transport system (MPTS) and gave the committee information.

EXHIBIT(jch15a09)

Ms. Shackleford stated it is a relay system between Sheriff's Offices throughout the State of Montana and 11 other Northwest States. The cooperative effort cuts down on mileage and manpower for all agencies involved. Each county incurs the cost of their transports. Unfortunately, the counties are not able to support weekly shuttles as the number of prisoners transported continue to grow. She urged the committee's support to use savings to purchase larger vans. She feels the state is saving thousands of dollars and will continue to save. **SEN. CHRISTIAENS** asked about the money available for transportation vans in the Department of Transportation. **Ms. LaFond** stated the vans would not have the cages necessary for prisoner transport.

Ms. Cat Thatcher, Extradition Officer, Yellowstone County Sheriff's Office, testified in favor of the language. Her written testimony is a part of these minutes.

EXHIBIT(jch15a10)

Ms. Carol Smith, Extradition Office, Governor's Office, urged committee support for the language. She is responsible for processing the paperwork for prisoner transport. Although the shuttle system has been in place for over 15 years, it was the Sheriff's Offices who instigated the coordination of efforts and resulted in saving the state thousands of dollars.

The committee discussed the increased numbers of prisoners being transported. The regional prisons do cause some of that. Once a prisoner is in the Department of Corrections (DOC), the Department pays for its own transport and they have a contract with Shelby to address those costs with them.

CHAIRMAN FISHER adjourned the hearing.

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ADJOURNMENT

Adjournment: 10:55 A.M.

REP. STANLEY FISHER, Chairman

SANDRA WHITAKER, Secretary

SF/SW

EXHIBIT (jch15aad)